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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
GURSHMAN, GRIGORY	
ART UNIT	**PAPER NUMBER**
2132	12

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/374,129	KIRIKOSHI ET AL.	
	Examiner	Art Unit	
	Grigory Gurshman	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2004* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *48-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *48-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Claims 48-67 remain pending in the application. Applicant's amendment of claims 48-55,57-61,63-65 and 67 are addressed in the ***§ 103*** rejection section herein.

2. Referring to the independent claim 48, Applicant argues that the combination of teachings of Mu with Asai does not establish *prima facie* case of obviousness since they do not teach that the first security code stored in a recording medium compared with the second security code stored in a peripheral apparatus. Examiner respectfully disagrees and points out that Mu discloses an intelligent security device (see abstract). Mu teaches the use of a hardware device, containing a microprocessor, attached to a serial port. This device contains some of the software needed to operate the program. The program running in the computer system, to which the hardware device is attached sends a security code to the hardware device. The hardware device then decrypts its internal software needed to interpret the security code and decrypts a security code within the hardware device and compares the two codes with the internal software. If codes match, the hardware device sends some software to the computer system. This software is inserted into the program, which enables operation of the program. Mu also makes provision for two security codes to be used, one from the software creator, and one that is set by the user to allow only the specific user to operate the program (see abstract and column 14, lines 5-55). Therfore Mu alone teaches the limitation in question. The combination of teachings of Mu with Asai is used for addressing the limitation not taught by Mu. In particular, Mu does not teach the use of a recording

medium, in which a first security code is stored. Mu also does not teach an information processing apparatus, which reads the security code from the recording medium. Asai teaches a CD-ROM disk with the security code recorded in it (see abstract and column 1, lines 53-54). Examiner maintains that One of ordinary skill in the art would have been motivated to to send a security code from the information processing apparatus to the peripheral apparatus and have this security code read from the recording medium as taught in Asai for executing the program contained in the security code and making sure that the disc is duly licensed (see Asai, column 2, lines 12-15). Referring to claims 48 and 49 Applicant argues the technical features taught by Mu and Asai. Examiner points out that while there may be some technical differences between the prior art of record and Applicant's invention, these differences are not sufficiently reflected in the instant claims. Therefore claims 48 and 49 are rejected over the prior art of record.

3. With regard to claims 54 and 57, Applicnat's arguments are exactly the same as the ones applied to claim 48. Rejection of claims 54 and 57 along with the dependent claims 50-53, 55-56 and 58-67 is maintained based on the reasons stated above.

4. Referring to claim 53, Applicant argues that cited references do not teach some of the limitation recited in claim 53. Examiner points out that a broad but reasonable interpretation of the claim 53 is applied. Referring to claim 53, Iizuka teaches the pen input type computer system (see column 7, lines 36-37). Iizuka teaches the use of tablet (64 in Fig. 5). Iizuka teaches that the user touches the set up menu with the pen, the

window is displayed (see column 8, lines 48-52 and Fig. 8A). Then the password (i.e. security code) is input. Therefore, combination of teachings of Mu, Asai and Iizuka renders clam 53 obvious.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 48-52, 54-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mu (U.S. Patent No. 5.343.524) in view of Asai (U.S. Patent No. Re.35.839).

7. Referring to the instant claims, Mu discloses an intelligent security device (see abstract). Mu teaches the use of a hardware device, containing a microprocessor, attached to a serial port. This device contains some of the software needed to operate the program. The program running in the computer system, to which the hardware device is attached sends a security code to the hardware device. The hardware device then decrypts its internal software needed to interpret the security code and decrypts a security code within the hardware device and compares the two codes with the internal software. If codes match, the hardware device sends some software to the computer system. This software is inserted into the program, which enables operation of the program. Mu also makes provision for two security codes to be used, one from the

software creator, and one that is set by the user to allow only the specific user to operate the program (see abstract and column 14, lines 5-55).

The limitation "the information processing constructed so as to execute a program read from a recording medium in response to data that is transmitted from and indicative of manipulative operation on the peripheral apparatus" is met by the hardware device, which sends the software to the computer (i.e. information processing apparatus) upon receiving the security code from the computer. The limitation "recording medium is stored with a first security code" is met by the security code of the software stored on the hardware device. The limitation "a control means which compares the second security code with the first security code" is met by the hardware device which interprets the security code and decrypts a security code within the hardware device and compares the two codes with the internal software (see Fig 1, blocks 172, 164, 174 and column 14, lines 47-51). Mu, however does not explicitly teach the use of a recording medium, in which a first security code is stored. Mu also does not teach an information processing apparatus, which reads the security code from the recording medium. Asai discloses a CD-ROM disk and security check method (see abstract). Asai teaches a CD-ROM disk with the security code recorded in it (see abstract and column 1, lines 53-54), which meets the limitation "a recording medium in which a first security code is stored". The security code is read into the boot sector of the computer (Fig 1, b) , i.e. "information processing apparatus" recited in the instant claims. Therefor at the time the invention was made, it would have been obvious to one of ordinary skill in the art to send a security code from the computer (information processing apparatus) to the

hardware device (peripheral apparatus) of Mu and have this security code read from the CD-ROM disc (recording medium) as taught in Asai. One of ordinary skill in the art would have been motivated to to send a security code from the information processing apparatus to the peripheral apparatus and have this security code read from the recording medium as taught in Asai for executing the program contained in the security code and making sure that the disc is duly licensed (see Asai, column 2, lines 12-15).

8. Referring to claims 50, 51, 58, 59, Mu teaches that signal processing is stopped when security codes do not coincide with each other and continued when the codes match (see Fig 1, block 164). Block 54 stops signal processing and invokes ISD subroutine (170) if codes do not match and continues if codes do match.

9. Referring to claims 52, 55 and 60, Mu teaches that when first and second security codes coincide (match) the third security code is transmitted. The third and forth security codes are met by write pass code (Fig.1, block 174) and missing code (see Fig. 1, 184) accordingly.

10. Referring to claims 63 and 67, the limitation "... comparison of the security codes is executed at predetermined time intervals..." is met by the system clock providing an operating clock pulse for operation of the microprocessor (see column 7, lines 29-31). The microprocessor belongs to the peripheral devise, where comparison takes place.

11. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mu (U.S. Patent No. 5.343.524) in view of Asai (U.S. Patent No. Re.35.839) and further in view Iizuka (U.S. Patent No. 5.544.083).

12. Referring to the instant claim, Mu and Asai teache the use of a hardware device, containing a microprocessor, attached to a serial port. This device contains some of the software needed to operate the program. The program running in the computer system, to which the hardware device is attached sends a security code to the hardware device. If codes match, the hardware device sends some software to the computer system. Mu and Asai also teach a CD-ROM disk with the security code recorded in it. The security code includes a program to be executed after check of the security code (see Asai, column 1, lines 56-57). The security code includes a program to be executed after check of the security code (see column 1, lines 56-57). Mu and Asai, however, do not teach a pen type object position at the predetermined location to determine the instruction in the program. Iizuka discloses a password management method and apparatus (see abstract). Iizuka teaches the pen input type computer system (see column 7, lines 36-37). Iizuka teaches the use of tablet (64 in Fig. 5). Iizuka teaches that the user touches the set up menu with the pen, the window is displayed (see column 8, lines 48-52 and Fig. 8A). Then the password (i.e. security code) is input.
Therefore, at the time the invention was made, it would have been obvious to modify the system of Mu and Asai by adding a tablet with the pen type object so the position of the pen on a menu (picture book) would determine the instruction of the program to be run as taught in Iizuka. One of ordinary skill in the art would have been motivated to modify

the system of Mu and Asai by adding a tablet with the pen type object so the positio , the pen on a menu (picture book) would determine the instruction of the program to be run as taught in Iizuka for registering the password (see Iizuka column 8, lines 50-51).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (703) 306-2900. The examiner can normally be reached on (703) 306-2900 from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Gilberto Barron, can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Grigory Gurshman
Examiner
Art Unit 2132

GG

GILBERTO BARRON
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